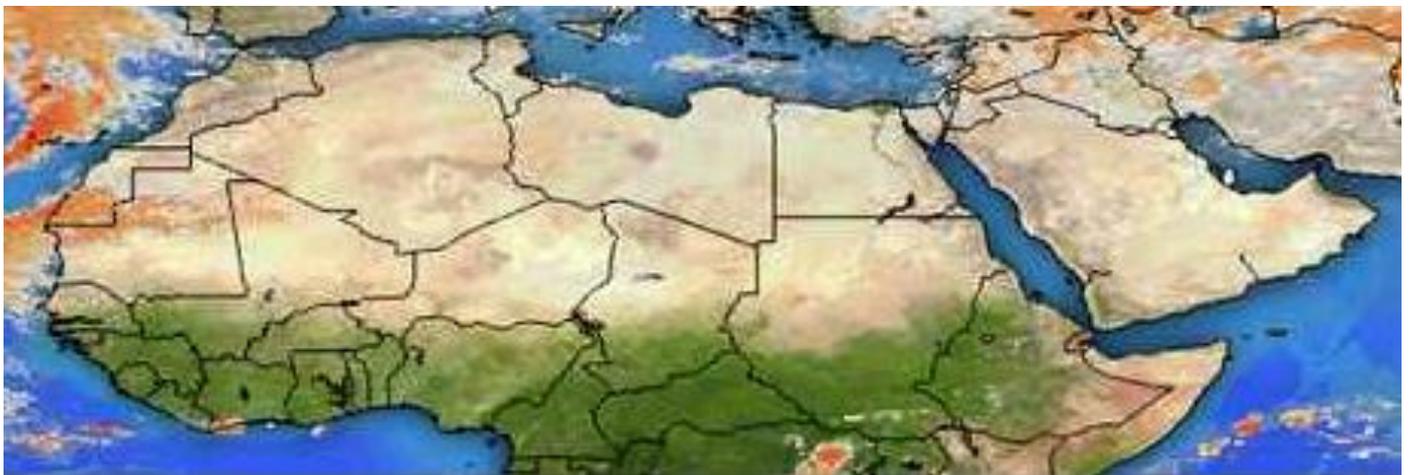




# **The Human Rights Dimensions of Land in the Middle East and North Africa**



**Report of the MENA Land Forum Founding Conference (Cairo)**

10–12 May 2009

Organized by

**Housing and Land Rights Network – Habitat International Coalition**



## Introduction:

Access to land is inextricably linked to the enjoyment of a bundle of human rights in every corner of the globe, especially in this time of climate change, periodic food crises, migration, the withering state, globalization, the breakdown in international rule of law, the privatization of public goods and services, and the global financial meltdown. Over nearly a decade of operations in the Middle East and North Africa, the Housing and Land Rights Network and its HIC Members have witnessed and reported the deprivation of the region's people due to violations of their housing and land rights.

Despite the recognition of the social function of land in many state constitutions, from Brazil to Egypt, a "right to land" is still largely an underdeveloped concept in human rights instruments. Use of the term is usually reserved for the popular claims of indigenous peoples and farmer social movements.<sup>1</sup> Without reference to the other human rights dimensions of land, international law largely considers land as a *commodity* protected under the right to property. However, land is an element of identity, culture and livelihood that transcend the mere material aspects of real estate.

The Middle East and North Africa (MENA) region stands out as a particular focus for the needed global land debate. The region's diverse challenges involve not least an inherent scarcity of arable land, as well as human factors that include lingering features of colonialism and ongoing "accumulation by dispossession."<sup>2</sup> As everywhere, land—and water—are resources organically related to peoples' exercise of their right to self-determination, while also constituting essential elements of state sovereignty. The MENA region also faces a combination of trends and developments such land and water privatization, off-shore farmland investment, military occupation, natural disasters, needed policy reform, disappearing peasantries and the plight of pastoral populations.

Recognizing those factors and their effects on the region's population, especially the impoverished majority, the HLRN coordination office suggested organizing a pilot dialogue to identify the human rights' dimensions of contemporary land use, tenure, development, geopolitics and related issues across the Middle East and North Africa. Consistent with HLRN's approach, this first-of-its kind inquiry applies the principle that human rights methods can inform equitable and socially sustainable solutions to many of the dilemmas arising from current land management in the MENA region.

The idea of a Land Forum implies an opportunity for multidisciplinary consultation. This initial attempt has sought also to establish a core analysis of land questions within a human rights framework within which the wider deliberations are to take place. The multidisciplinary approach naturally recognizes the indispensable technical contributions that deliver beyond the scope of human rights texts, while also applying the needed ethical values of human dignity, well-being, justice and rights. If the human rights approach is to be relevant, its evolution from the violations approach to the problem-posing approach will require the collaboration of advocates and technicians. The Habitat International Coalition (HIC), with its hundreds of diverse Members, embodies that convergence and provides a natural context for the needed dialogue on the human rights dimension of land, as well in every region.

HLRN held the MENA Land Forum's inaugural conference in Cairo, on 10–12 May 2009, with representatives from all levels of HIC, its specialized regional and thematic networks and social movements, which have shared a struggle since the Coalition's 1976 establishment to uphold the human rights to housing and land. The Land Forum hosted regional experts with the multiregional HIC Member participation also has addressed broader objectives of the

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<sup>1</sup> An example is La Via Campesina's "Declaration of Rights of Peasants - Women and Men" (2008)," at: <http://viacampesina.net/downloads/PDF/EN-3.pdf>.

<sup>2</sup> David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005).

Land and Housing Rights Network on the national, regional and international levels, especially to emphasize land and land-based communities into the HIC agenda, and to help integrate civil actors in the MENA region with their counterparts elsewhere. In organizing this forum, the Land and Housing Rights Network has invoked its alliances with the most significant civil organizations and social movements such as the Food First Network (FIAN), La Via Campesina movement and others to develop a collective position toward upholding land-use standards that meet social needs, including the actual regulation of land in the framework of human rights.

### **A Human Right to Land?**

Over the past decade, the Housing and Land Rights Network's numerous activities with its member organizations and beneficiaries have dealt with "right to land" claims as resting on a tripod of well-established rights: (1) the right to adequate housing, (2) the right to food, and (3) the right to water, to which other transversal rights are linked. In view of the contemporary challenges cited above, we are facing a strategic crossroads that is obliging us to realign priorities, reassess values, rethink the past, ponder the uncertain future and carry out strategic planning, and to direct efforts and activities in the region in accordance with new needs and emerging issues.

Within the context of supporting activities related to the right to water and adequate housing, while advocating poverty eradication within the limited framework of the Millennium Development Goals (MDG), the Housing and Land Rights Network has identified land's centrality to these human rights and development issues. The application of more stable and established legal standards with relation to a "human right to land" poses again a question about the adequacy of existing rights norms, tools and systems. After September 2000, the human rights content of the Millennium Declaration effectively has been stripped away from the MDGs and their current monitoring-and-evaluation indicators, and human rights law is still wont to address the normative human rights content of land beyond its narrow treatment as "property." Current challenges resulting from deprivation of land and the need for rights-based solutions require further upgrading of current norms and legal machinery to face the looming discrimination, denials and violations that affect livelihood and other economic, social and cultural rights.

The proposal to launch this forum represented a valuable opportunity to reach a common regional understanding of the human rights dimensions of land, if not also to advocate a new norm. Moreover, the Land and Housing Rights Network, within the framework of its work with some organizations, encountered a real gap between the most prominent land-related problems (even well-documented ones), on the one hand, and public and official attention to such problems, on the other. Civil society in the MENA region still needs to develop its knowledge and analysis tools in order to play a constructive role in finding alternative solutions, particularly as relevant international organizations generally do not address these needs. The needed correction of production, consumption, trade and investment patterns have so far not taken place, at a time when many international and national development policies exacerbate the crises cited above. Meanwhile, production, consumption, trade and investment patterns across the world overwhelming favor urbanism, and neglect rural areas and inhabitants.

### **The Importance of the Land Forum in MENA**

In the Middle East/North Africa, land-based and rural culture remains one of the oldest and most-durable sources of knowledge, human production and social values. Land-based culture forms a basis of enduring features of the nation, influencing spiritualism and religion, language, ethical philosophy, social solidarity, cultural identity, arts, literature, cuisine and

millenary culture, etc. At the same time, land has long been the subject of conflict and wars. Recently it has become the subject of conflicts over its exchange value and/or subterranean resources, such as oil and water, among other geopolitical interests.

This multiparty and multidisciplinary approach to land rights issues in MENA enabled participants to discuss and develop the human rights concepts and ethical principles, including Islamic and traditional Arab ethics, related to land use, including socially relevant options for ensuring equitable access and secure tenure.

A human rights inquiry into land use at least should help develop a common regional contribution to the international agenda to create knowledge and support disadvantaged groups liable to suffer marginalization and consequent violations neoliberal policies. Priority areas include those characterized by conflict or occupation, such as Darfur, Western Sahara, Palestine and Iraq. Thus, as in any attempt to define a right, the human consequences of a violation serve—in an inverted way—to define the normative content of a right. In that sense, MENA provides a rich field for precisely the inquiry needed to determine the human rights dimensions of land, or define a “human right to land.”

In addition to armed conflicts, new factors influence the region's popular identities, moral values and economic practices due, this time, to the dramatically changing relationship with their land. Economic trends and policies within this human dynamic reduce land-dependent livelihoods across MENA. Large numbers of small farmers have been expelled from their land due to structural adjustment, privatization and greater concentration of ownership and large-scale production. The officially cited pretext of maximizing production has been exposed by the actual decline in agricultural production, increased dependence on food imports and the externally determined pricing of export-oriented produce. Neoliberal land-development policies have led to cruel evictions and displacements that transform into “ethnic” conflicts that represent symptoms of the disease of the extreme and heated competition over land and natural resources.

The region needs a more-responsible local and international discourse on land and water-related aspects in relevant conflicts. Land figures as a prominent factor in the outbreak, persistence and transformation of severe conflicts across MENA. This process can be witnessed in Darfur (Sudan), Ahvaz (Iran), Israel/Palestine, Iraq and other countries. The delay in acknowledging the land-rights dimensions of such cases, only addressing the symptoms of such long-fermenting conflicts, inevitably leads to analyses that cannot address the actual material causes. Better and more efficient analytical treatment of these material dimensions of conflict can help states, governments and relief agencies to take more-effective preventive and curative measures.

For the MENA region, this Land Forum constituted an initiative for the region's civil actors to analyze and speak for themselves on one of the major factors affecting the great challenges of the day.

### **The Importance of Now**

A pattern of privatization and depriving people and rural areas of natural resources, particularly land and water, is spreading worldwide, and the Middle East/North Africa is no exception. The region is also situated at a cross roads of multiple challenges and disadvantages, in the path of a “perfect storm.” However, along with the exploration into the characteristics of, and responses to land issues in MENA, it is our belief that the region contains cultural mores that are compatible with human rights criteria and corresponding state treaty obligations. If identified and developed, such inherent values, conveyed through knowledge creation and appropriate leadership and governance, may lead toward more

humane and productive alternatives. This opportunity strikes at a time when political leaders, whether in power or in the opposition, as well as media and many of civil society actors have yet to show sufficiently serious intent to address the region's land crises and arrest the deterioration of living conditions for the people.

The first MENA Land Forum program (annexed below) also aimed to explore the normative content of current claims to a "human right to land," as expressed across the region. It sought to develop available tools—including tools of argument—and methodologies to monitor, document, quantify and resolve the problems related to managing land in the Middle East/North Africa within the framework of human rights criteria and states' corresponding human rights treaty obligations.

This initiative is complementary to and consistent with other contemporary initiatives and activities in the region, including the following:

- Developing national human rights action plans in Lebanon and Morocco. Similar plans are also developed for Egypt, Jordan and Yemen.; Campaigns sponsored by ESCWA/United Nations Economic and Social Commission for Western Asia/UN Habitat Program on "secure housing and land tenure" and "good governance" were to have started in all ESCWA members countries, but failed to get off the ground;
- The Millennium Development Goals path has reached midway, particularly with relation to Goal 7: "Ensuring a Sustainable Environment";
- The Commission on the Legal Empowerment of the Poor, with its consultations, sector studies and national conferences, reached different stages of progress in Egypt, Jordan, Mauritania, Morocco and Yemen;
- Since 2006, the Global Land Tools Network of UN Habitat has taken on a specialized inquiry into the Islamic legal and institutional means of ensuring rightful land use;
- Over a decade of implementing neoliberal land reforms in the region, with social and economic consequences now evident;
- Recent treaty monitoring processes have been addressing land questions in relation to human rights to adequate housing, food sovereignty, water and self-determination in Turkey, Egypt and Syria (the Committee on Economic, Social and Cultural Rights); Bahrain (Child Rights Committee); Lebanon, Turkey, Bahrain, Egypt, Iran, Morocco, Sudan and Syria (Committee on the Elimination of all Forms of Racial Discrimination); and Israel (Committee on the Elimination of Racial Discrimination).

Mindful of this context, the first MENA Land Forum has brought together several strands of program activity and broad strategic lines.

### **General HLRN Objectives**

In accordance with the Housing and Land Rights Network's Global Program, the Land Forum seeks to achieve the following:

1. Meet the growing need to face unjust privatization and the problem of state withdrawal from its moral and legal authority to regulate, particularly with relation to public goods and services related to land management;
2. Present and develop legal arguments against international policies that threaten to restrict access to land and water and cause further climate and ecosystem degradation.
3. Shed light on the role of the state and civil society in offering alternatives to the degradation of agricultural land, particularly in light of water privatization and the absence of legal security of tenure;

4. Promote serious attempts to improve the policies affecting land tenure, such as poverty alleviation measures;
5. Provide opportunities for the international human rights system, including its political and executive authorities, by calling upon the international community to be more consistent with the obligations of countries by respecting and implementing the peoples' rights to self-determination, particularly with relation to reclaiming public resources and the realizing the social function of property generally;
6. Help developing normative content and human rights dimensions of land (or a "right to land") and mechanisms for their implementation;
7. Help develop and apply methodologies and techniques to monitor the rights to land and water. This includes developing socioeconomic and environmental indicators for quantitative measurements of the consequences of poverty resulting from land and water rights violations in line with the Millennium Development Goals (MDGs).
8. Support bodies concerned with implementing human rights agreements with relation to monitoring the commitment of states, particularly those scheduled to submit reports on the application of the International Covenant for Economic, Social and Cultural Rights.

### **MENA Objectives**

Consistent with the MENA Program within the Land and Housing Rights Network, with emphasis on the region's characteristics, the Land Forum has been organized to pose potential solutions for existing and projected problems related to accessing land and water in the Middle East and North Africa. These include to:

1. Develop dialogue about the role of the state and civil society, within specific national contexts, in offering alternatives to the degradation of agricultural land, particularly in the light of water privatization and the absence of secure urban and rural land tenure;
2. Contribute to the diagnosis of the root causes of conflicts over land and natural resources in some countries, such as Darfur, Palestine, Iraq, Ahwaz and Western Sahara, while addressing the policies of the parties in conflict from a human rights perspective;
3. Promote competitive activities and efforts to improve the policies that affect land tenure as one of the measures toward poverty eradication, with a special focus on the actual or potential links among current efforts in the countries of MENA;
4. Help develop and implement the methodologies of monitoring land and water rights related to the MDGs In the region, including the quantification of the consequences of increasing poverty due to land and water rights violations in the region;
5. Strengthen legal efforts seeking to develop "right to land" criteria (or the human rights dimensions of land) by focusing on regional cases of collective deprivation, such as Palestine, Iraq, the Western Sahara, Ahwaz and Darfur;
6. Explore and develop constructive Islamic concepts and tools that ensure the equal distribution of land water;
7. As a specialized global network, and the MENA regional program, the Network seeks to review, evaluate and revise its activities, particularly with relation to following up parallel reports on the economic, social and cultural rights, and the application of the concluding observations with relation to contractual bodies concerning Morocco, Israel and other Middle East and North Africa countries.

## MENA Land Forum Activities

The MENA Land Forum activities were organized in Arabic with translation into English, Spanish and French for participants and experts from worldwide organizations and networks and HIC Members from other regions. The organizers adopted a gradual course from the general and theoretical aspects of the land issues to the specific and practical. The discussions focused on cases that the participants presented from: Algeria, Bahrain, Egypt, Morocco, Palestine/Israel, Sudan and Tunisia. Papers on land issues from the mentioned countries brought out common themes consistent with the priorities identified in consultation with members over the past years, the most significant of which are the following:



- Displacement and evictions formed a theme in each paper in one form or another;
- Discrimination and demographic manipulation: These were included in papers and presentations on Nuba Mountains, Kurdufan, Palestine and the Western Sahara;
- Land and the "Right to the City," in discussions with some members of the Right to City movement in Brazil and Mexico;
- Conflict, occupation and/or war: Darfur, Palestine and the Western Sahara;
- Gender/gender and tenure and tenure/inheritance in papers from Tunisia and Sudan;
- Privatization v. collectivism in the management of land and public services, as presented in the paper from Morocco;
- Agricultural reform and agrarian anti-reform, especially in presentations from Egypt.

## HLRN methodology for research, knowledge creation and capacity building in the MENA Land Forum:

The Network was keen on allowing each country represented in the forum to present the data, operations and results that the participants believed were related to the issue prevalent in each country. This was the criterion used in evaluating research paper proposals. However, the organizers provided an illustrative list of prospective themes for organizing and classifying the research subjects:

- State obligations in accordance with the ratified human rights treaties;
- Constitutional and legal frameworks;
- Impoverishment and dispossession;
- Impoverishment and displacement;
- Means and consequences of land and water privatization in the rural context;
- Land rights as a factor in the causes and resolution of conflicts;

- The status of traditional tenure systems;
- Forms of discrimination;
- Attention to the positive aspects of cultural specificity in the region, including the Islamic concepts of the social functions of land, water and energy;
- Gender equality in tenure (ownership, inheritance, etc.), access to and management of land, water and public resources.

The HLRN coordination office also stressed that every paper should include a strategic component that proposed practical action as a constructive response to the land-use problem/issue. Following publication of the papers, the participants' focus is expected to focusing on campaigns and initiatives on various levels, including, for example:

1. On the multi-lateral level:
  - a. Secure housing and tenure, as well as good rural governance campaigns (UN Habitat);
  - b. The Cities without Slums campaign (Cities Alliance);
  - c. Progress on the level of the Millennium Development Goals (UNDP and respective UN agencies);
  - d. The Legal Empowerment of the Poor Commission campaign/consultations (UNDP);
  - e. The Global Land Tools Network (UN Habitat);
  - f. Other programs and projects between various parties and between governments.
2. On the national level:
  - a. National Human Rights Action Plans,
  - b. National Human Rights Institutions,
  - c. Land committees (in consultation/negotiation with government),
  - d. Transitional justice mechanisms,
  - e. Other campaigns on the national level.
3. On the level of global civil society:
  - a. La Via Campesina's Peasant Rights Charter,
  - b. World Charter on the Right to the City,
  - c. World Social Forum with a focus on land and water rights.

The Land Forum book will include the final version of each paper presented in the Forum, accompanied by annexes on the most important points discussed about each paper.

## **The Proceedings**

The MENA Land Forum program began with opening remarks by HIC President Davinder Lamba (Kenya), who welcomed the participants and blessed the Land Forum. He emphasized the importance of land and its human rights dimensions in the history of HIC and its evolution. He explained how several factors have come together to make this forum possible now with an unprecedentedly clear statement and objective of expressing the human rights values related to land as a global issue with the purpose of achieving greater

human well-being in the MENA region. In his introduction he addressed land as a global and historical issue that links us all. He offered also a perspective from Kenya and East Africa, with its integrated and sometimes contentious relations over the length of the Nile Valley, as well as continuously with persons and countries from the Persian Gulf region. He recalled also how the land question lay at the center of the first Habitat conference (Vancouver, 1976), but remained largely neglected for a long time. In light of the coincident crises, this Land Forum represents one of the needed initiatives to return land to its proper prominence in our analytical and advocacy work.



L to R: HIC-MENA Program Officer Rabie Wahba, HIC-HLRN Coordinator Joseph Schechla, HIC President Davinder Lamba, HIC General Secretary Ana Sugranyes

Following Davinder’s invocation, HLRN’s Network’s MENA Program Officer Rabie Wahba welcomed the participants to Egypt and, for those outside the region, to the Middle East/North Africa. He apologized for the delays in starting due to traffic and delayed arrival of airplanes. Rabie provided the background and laid out the objectives of the Land Forum (as noted above) and pointed to the long need to address land issues within the human rights framework, especially as a focus within the growing movement to develop economic, social and cultural rights culture. He also outlined the methodology of the Forum, considering the general-to-specific course, with conceptual and case-based papers and issues characterizing the experiences and issues across the region in the plenary over the first day and a half, then prioritizing and strategizing around specific themes in working-group format.

HLRN Coordinator Joseph Schechla then introduced the dimensions of the right to land: historical overview, state obligations, the methodology and documentation for the current Land Forum. He also suggested themes/issues for the discussion and follow-up for achieving equitable access to land in the human rights framework.

## Country-specific Presentations

Following a course from east to west, the country-specific presentations began with a case from the Persian Gulf, then moved through the Middle East to Egypt, Sudan and the Maghreb countries. The cases posed examples of diverse land struggles; however, several features are shared across borders.

As shown in the program (annexed here), the cases were ordered in panels gathering clusters of cases linked geographically. The cases summarized below represent formal papers, unless otherwise noted. In the near future, HIC-HLRN will publish the papers in their entirety in book and electronic form.

### Bahrain:

Joseph Schechla characterized the Bahrain case as one of scarcity, given the islands' total 728 km<sup>2</sup> surface area and population of some 1.1 million. Schechla explained that the land-management challenges in the kingdom are exacerbated by low arability, the large U.S. military installations occupying nearly half the land area, the advancing appropriation of lands by the royal family and the remaining 10% of the land available to the other citizens and residents for housing and all other purposes.



HLRN Coordinator Joseph Schechla

The country presentations began with a summary of the land challenges in the case of Bahrain without a formal paper. However, HIC-HLRN intends to publish an authored case study on Bahrain in the forthcoming monograph of the MENA Land Forum.

### Palestine:

Joseph Schechla announced that the author of a draft paper on "The Right to Land and Labor in Palestine (West Bank)," Ali Kadri, was unable to join the Forum, but whose updated paper should be included in the final publication. He also conveyed the apology of Issa Samandar, executive director of the Palestinian National Committee on the Register of Damage (from the Wall), who was not able to travel to Cairo. However, Joseph filled in the important subject of land in Palestine by summarizing the system of institutionalized discrimination in historical Palestine, based on "Jewish nationality" status promoted and implemented by Israel's parastatal institutions (World Zionist Organization/Jewish Agency, Jewish National Fund and affiliates). The legislation concerned with land and housing in Israel typically defers to the principles of those institutions, which serves as a legal criterion to discriminate against the indigenous population and appropriating their private and communal lands in order to transfer them to the exclusive use of the immigrant/settler population. He related this system of discrimination also to the case of the Naqab/Negev, which will be a subject of a future Land Forum.

## Egypt:

Presenting “The Phenomena of Landless Farmers,” Abdel Mawla Isma`il presented the reasons of landless-farmer phenomenon in Egypt, particularly the liberation of rental relationship in the Egyptian countryside, as well as the predatory agricultural credit policies. The paper also analyzed the situation of agricultural production inputs and the most important livelihood problems that the Egyptian farmers face in their daily life.



Participants L to R: Abdelmawlaa Ismail, Abd ul-Hadi al-Saba`, Hasanain Kishk (Egypt)

In explaining “The Politics of Agrarian Reform and Violations arising from Its Implementation: The Case of Egyptian Farmers,” Hasanain Kishk covered the agrarian-reform policies and the laws issued recently to reverse the earlier reforms that were made in behalf of the Egyptian farmers in the 1950s. It also provided a panorama of the flagrant violations carried out by the Government of Egypt by implementing the new Land Law No. 96 (1992). The author also shed a light on the kinds of land tenure in Egypt and the owner and rental relations in the countryside and the situation of farm workers who are also negatively affected.

## Sudan:

In her paper, “Gender, Conflict and Land Tenure: The Darfur Case” Mey Eltayeb Ahmed emphasized the importance of integrating gender equity in the implementation of land rights at the national, regional and local levels. She explored the land use system in Sudan



Mey Eltayeb Ahmed (Sudan)

generally, then presented the history to land legislation in Sudan from before the British occupation until the present, focusing on the rural areas and integration gender perspectives. Mey reviewed gender concepts as women in development and constructed a frame-work with the norms of the Convention on the Elimination of All Forms of Discrimination against Women (CEDaW), the African Charter on Human and Peoples Rights and standards addressing gender-based violence such as UN Security Council resolution 1325. She then related the norms to the conflict over land

in Darfur, including the changing gender roles in that context and the prospects for women's land rights affirmation in an eventual peace process. Mey drew on the corresponding lessons by proffering recommendations for steps to be taken for gendering land rights in Sudan, as well as other African and Arab countries.

"The Question of Jibal al-Nuba, Kurdufan, Sudan: The Conflict, Identity, and the Collective Rights to Land" was the subject of Kadan Kuku's presentation. He provided a background to



Kadan Kuku (Nuba Mountains, Sudan)

the Nuba Mountains region in Kurdufan, Sudan and described social and natural life there. He surveyed the conflicts in Sudan with a view to the consequences for the Nuban people, whereas they always have been disadvantaged by the compromises or political solutions on the ground. Kadan illustrated the point with the current arrangement concluded between the Arab government in North Sudan and the armed rebellions in the South. Within this context, he discussed the Nuba peoples' self-determination claim pursued through various human rights and development approaches.

On "The Social, Political, Economic and Cultural Boundaries of Land: The Sudan Case," `Adil Bakhit portrayed the social, economic, political and cultural factors as overlapping in the conflict over land and related environmental goods in Sudan, making it as a space of bloody conflict over these resources.<sup>3</sup> This can be monitored clearly through the civil wars taking place in the south, west and east of Sudan. Thus, the

ecological changes, coupled with the appropriation of land that coincided with a series of governments that have collaborated to widen the land crisis as a major factor disempowering great numbers of people, particularly those who depend on the land as a source of income. With a tragic cultural overview of the importance of land to the people and its deprivation as a factor of (dis)empowerment on the social, political and economic levels, `Adil's paper analyzed the situation of land in Sudan at the roots of conflict. He also reflected on the future of land amid these effective factors and conditions and how a human rights methodology can be helpful in tackling and curing these endemic problems.



Adil Bakhit (Sudan)

"Communal Land Rights, Identity and Conflict in Sudan: The Case of Nuba" by Goma'a Kunda Komey, characterized the complex root causes of worldwide state-community conflicts. Sudan serving as an example, Goma`a's paper contended that, at the center of these multifaceted root causes is the question of communal land rights, as elsewhere in Africa and the Middle East. The centrality of land as a

<sup>3</sup> السودان حروب الموارد والهوية- د.محمد سليمان محمد - دار عزة للنشر - 2006

factor in conflicts stems from the fact that rights to land are intimately tied to membership in specific communities, ranging from a nuclear or extended family, clan, or ethnic group to the nation-state. At these various levels of social identities and organizations, people seek land as a collective right not just as material satisfaction, but also as source of power, wealth and meaning. Therefore, control over land has been and remains a means of defining and/or constructing/deconstructing identities and belonging, as well as a resource to control.

For rural communities, land is conceptually and materially linked to autonomy and sovereignty, serves as a symbol of their collective sociocultural and political identities, and forms the basis for their survival and economic livelihoods. As a human need, land is a fundamental human right and, therefore, its denial kills. Violations of such a natural need and, therefore, right by the state has fomented tensions leading to and including protracted civil wars. Recurrent political instability and land issues in the contemporary Sudan serve as a source of lessons for us all.

**Maghreb Countries: Tunisia, Morocco, Western Sahara**



Saïda Garrash (Tunisia)

Advocate Saïda Garrash “The Exclusion of Women from Land and Housing: The Case of Inheritance” explored the depth of discrimination in the inheritance system in Tunisia. Characterizing the practice as gender-based discrimination, she presented the theoretical and legal bases of discrimination in heritage. She analyzed the violations related to the inheritance scheme against the background of the international human rights and basic freedoms. The discrimination based on religious conviction and the economic and social shifts have grounded a social phenomenon of discrimination different from the legal model of housing and land equal inheritance, leading to impoverishment and marginalization of women.

“Communal Land in Morocco,” was the subject that Rajaa al-Kassab tackled by presenting the contradiction between the relevant laws and their violations. The paper and presentation made included a typology of the laws that organize the different sorts of land tenure, and explained how these laws fall short of regulating land tenure and possession in Morocco in comparison with more-effective nonlegal factors that influence land claims. The paper concentrated on the exclusion of women in claiming, accessing and benefiting from land in general, and the communal lands in particular.



Rajaa al-Kassab (Morocco)



Amroun Mohammed (Algeria)

Amroun Mohammed contributed a legal analysis of “Land in the Western Sahara: between Reality and Legality.” He provided a historical review of the legal actions made on the local, regional and international levels for the Western Sahara people under Moroccan occupation. The paper focused on the criteria of self-determination and the right to return to illustrate the violations practiced against the Western Sahara people, including the construction of the “Sand Wall” and demographic manipulation by the Moroccan government in the occupied zone over the last three decades since the 1975 invasion, referred to in Morocco as “*la Marche Verte*.” The paper also catalogued claims of the indigenous people’s rights to freely dispose of their natural resources and that their exploitation by those other than the people who have the right to them forms a source of the conflict over the Western Sahara.

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### Discussions:

Each of the country cases was followed with a general discussion with questions and answers to the presenters. The discussions provided an opportunity to clarify distinctions and similarities among cases. For example, the disappearance of communal lands affected Nuba Mountains and Darfur, as well as the Morocco case. Participants expressed interest also in certain under-reported cases such as the Nuba land struggle/conflict, the various mechanisms of accumulation by dispossession (Bahrain and Palestine), and links between land conflict and its links to other national resources and self-determination (Palestine, Nuba Mountains and Western Sahara).



Lorena Zárate (Mexico)

The following segment of the Land Forum focused on common themes that arose from the diverse country presentations. The thematic groups explored more deeply some of the shared aspects of land struggles, including gender issues (e.g., Sudan and Tunisia presentations), land as a factor in conflict (e.g., as shared among Sudan, Palestine and Western Sahara), and agrarian reform and privatization (variously in Nuba Mountains, Morocco and Egypt). The international participants also joined the working groups, allowing for discussion of broader comparisons and the commonality of certain issues and struggles beyond the MENA region.

## Working Groups:

Following are the most important recommendations emerging from the workshops. They have determined the most important reform action factors to be implemented to develop the rights framework that would ensure equality in the use of land and maximizing its social function. These recommendations should be addressed to concerned parties and relevant officials: the state and the government's executive, legislative and judiciary institutions, as well as the multilateral bodies, the human rights system, including political, legal and practical bodies, support bodies and civil society participating in the Forum.

The workshops have allowed an opportunity for discussions and exchange of ideas and opinion across geographic areas, in addition to the participation of international experts from outside the Arab region, based on fields of specialization and common interests that go beyond the geographic borders of countries.

The workshop was run according to the standards and technical means of strategic planning with the aim of achieving the most scientific and practical results and commitments toward common region wide action.



### I: Working Group 1: Women's Rights to Land and Inheritance

This group was headed by Ms. Shivani Chaudhry (India). Members were Saïda Garrach (Tunisia), Tabitha Siwale (Tanzania), Shivani Bhardwaj (India), Ana Sugranyes (Chile) and Khady Diagne (Senegal). Ms. Mobola Fajemirokun (Nigeria) served as Rapporteur.

### *Defining the problem:*

The common position agreed by the working group's female participants was that women's rights to land and inheritance are interlinked. There was also consensus that the various forms of discrimination and exclusion represent the main obstacles facing women and depriving them from their rights to land and inheritance, a matter that is apparent in different ways. In some countries these obstacles are clear in the unsuitable legal frameworks that neglect women's rights. Other countries guarantee legal gender equality, but actual cultural trends, traditional practices, and even the interpretation of religious text strongly influence social practices and continue to result in depriving women of land and inheritance.

### *Recommendations*

Legal reforms are considered an urgent need in the countries that have laws that are not compatible with women's rights to land and inheritance. Within this context, there is a need to improve the evidence base through documenting women's experiences and collecting basic information. Advocacy and campaigns should not only take place on the national level, but should be organized through UN bodies concerned with monitoring women's rights.

### *Networking and Advocacy:*

A number of countries should accept international human rights, such as the Convention to Eliminate All Forms of Discrimination against Women (CEDaW). Such international mechanisms represent acceptable criteria. It is necessary that their text be reflected in these countries' national laws. There is a need to intensify networking and advocacy on the national political scene, such as executive and legislative bodies, in order to push toward the adoption of international human rights laws and standards.

### *General Education Programs:*

Experience in many countries shows that women, particularly in rural areas, suffer from a lack of awareness of the rights guaranteed them by national and international legal systems. The impact of this problem is doubled due to widespread illiteracy. Thus, there is an urgent need to initiate and support educational programs about women's rights and how to use judicial and nonjudicial systems to protect women and enforce these rights. It is essential that these programs be informal and interactive, as well as widely available in the local languages.

### *Women's Participation in Planning:*

The system of planning in urban and rural areas is considered a basis for the different uses of land. In many countries, the government level closest to the people (at the municipal or regional level) is responsible for planning. In the planning approach women should participate in rural and urban planning and decision making as a starting point to strengthen equal ownership and control of resources, including land.

### *Improving Women's Economic Conditions:*

Many countries apportion financial services through creating and supporting the small loans sector. The experience of these countries established the fact that women's income gradually improves when they are economically empowered through small loans, and they start owning assets, including land. Thus, strengthening and improving women's access to small loans should be among the priorities.

## **II: Working Group 2: Land in Situations of Conflict:**

The Middle East/North Africa region is full of conflicts that arise over natural resources, or turn from other causes to become land conflicts. The most prominent such conflict in our region is the current colonization and occupation, disputes arising from colonialism, civil war, demographic control, apartheid, systematic discrimination, ethnic conflicts and the intense competition between pastoralists and settled peasants over land and other resources and livelihoods.

The consequences of such phenomena include violations of a number of human rights where perpetrators enjoy impunity while factors of development of our people on their land decrease. Such conflicts harm and destroy the land, as well as deprive the people of rightfully obtaining the land to live on and as a source of income. These are considered serious violations that may constitute crimes against humanity and war crimes, as defined by international law.

Within this context we find ourselves facing varied local and international conflicts over land. However, this diversity is common among a number of the region's countries. The truth is that we face all these conflicts at once as residents who share a geographic region and an integrated culture and economy, as well as defenders of common ethical values, including universal human rights, and as drivers for positive change.



We recognize the need to gather all efforts to face these conflicts and their consequences with actions that contribute to solving them. Thus, we suggest these harmonized and complementary efforts seek to at least achieve two objectives:

1. Prosecute the perpetrators of violations, and
2. Give reparations to victims.

In the common and collective endeavor to achieve these objectives, we call for urgent changes in the behavior of conflicting parties, in all cases, including concerned states and their governments.

As a basic step toward settling all violent conflicts, governments must introduce effective reforms to laws and prohibit practices that deprive people, particularly women, from recovering and securing tenure against expropriation, the destruction of property and displacement. They must also enforce the laws that ensure that women who survive conflicts have the possibility of recovering their homes, property, and land through secure tenure equal to men, regardless of whether they are married or supporting children or not.

All governments, and other concerned parties, must ensure the peaceful and agreed upon return to their homes, land and property of those displaced for one reason or another. The complete recovery of land is a right and priority to settle conflict. Financial compensation for land is not acceptable, except in cases of declared approval of those affected and their communities.

As the two mentioned objectives do not take place in a hierarchy, as both fields require civil society's enhanced capacity, systematic development and production in the form of:

- Field research.
- Documentation
- Quantitative evaluation of damages and losses.
- General and comparative analysis of cases of land violation and acknowledging land as an actual subject of and reason for conflict.
- Define criminal violations as such.
- Cooperate with the media.
- Network, including building regional and international solidarity.
- Organizing campaigns.

We pledge to develop and coordinate individual and collective actions consistent with the agreed upon objectives in following up the Land Forum activities.

### **III: Working Group 3: Agrarian Reform (Privatization, etc.):**

The group included participants from Jordan, Sudan and Morocco, in addition to a large number of local participating researchers and farmers from Egypt. Following are the most significant recommendations:

1. The need to engage in initiatives related to agrarian reform and privatization issues, the most important of which are:
  - a. The initiative to draft FAO Voluntary Guidelines concerning land, natural resources, land tenure and resources;
  - b. Special Initiative against Hunger (FIAN);
2. Work on documenting struggle experiences of movements of landless farmers and the groups that fight violations in the field of agrarian reform and privatization;
3. Establish a special observatory for urgent action in the face of violations resulting from agrarian reform and privatization;

4. Form local, regional and international committees and networks in solidarity with farmers and the poor in the face of violations related to agrarian reform and privatization, such as the privatization of irrigation water;
5. Launch a communication mechanism, such as mailing lists, websites, etc. The Land and Housing Rights Network can play a role in creating this mechanism;
6. Seek to issue a special guide on agrarian reform experiences in various countries.

\* \* \*

The Housing and Land Rights Network team, in agreement with present members of the Habitat International Coalition, pledged to implement the participants' suggestions and recommendations through a number of basic activities that will preserve the Land Forum as a continuing process in the region and seek to support its positive impact in supporting people who suffer from land-related concerns and issues. The most important such activities are to:

- Provide a specialized land database that includes information, opinion and studies about land, based on Forum contributions, possibly in the form of a web page that could be called *Landpedia*.
- Seek to follow-up activities in the coming years, particularly with partners, such as Brot für die Welt, who are interested in supporting these activities, depending on HIC Member initiatives, focusing on land issues and participating in posing solutions.
- Expand the call to include peoples and social groups that lack a voice to express their rights, as was the case with the people of Nuba Mountains and Saharans. It may, of course, expand to include other groups and peoples in need of rights assistance.

These commitments concluded the two stages of case presentations and related discussions during the first and second days. The working groups issued their diagnosis, points of agreement and recommendations as a practical complement to the cases studies. The third day involved an exchange of expertise with the international participants, presenting the experiences of social movements and international institutions working in the same field and struggling for housing and land rights.

### **Lessons and Opportunities on the International Level:**

In a panel format, international participants presented testimonies to their local struggles and experience, as well as opportunities for involvement in international campaigns demanding human rights and their application. The presentations and discussions resulted in lessons learned in other struggles and information about opportunities to join other civil society organizations in other regions demanding land rights and offering solutions to related problems. The discussion of cases globally demonstrated also how the human rights dimensions of land already are developing in principles agreed upon within international organizations, as well as soft law instruments and human rights mechanisms related to the right to adequate housing, sufficient food and water.

Merging the testimonies and reports on struggle from other regions and social movements showed that many of the participants share numerous phenomena influencing how land is used and distributed. If the legacy of colonialism is common among most of those present, so, too, are the consequences of the dominant neoliberal ideologies that control land-use practices and associated policies. The panelists noted that all share one way or another in the consequences of the extreme lack of gender equality related to land distribution and access, as well as the tension between public and private interests. However, at the same time, the international panelists presented a scope of concepts, tools, techniques and

experiences. Some are new and yet untried in this MENA region, but which may serve useful in practice on the local and regional levels, as well as in future contributions from MENA in international-level campaigns and the development of policies influencing land and land tenure.

In his intervention, HIC President Davinder Lamba (Mazingira Institute, Kenya) reminded participants about the issue of land in transitional justice and presented a model of practice from Kenya's experience since the regime change in December 2006. The need to address land as a transitional justice issue became obvious also during the unrest Kenya witnessed following the 2007 presidential election, as many battles erupted over past and current land disputes. In relating that distant experience with the MENA region, he explained also that, following the Arab and British colonization legacy, Arabs still own a lot of land on Kenya's coasts as a result of an agreement with the then Sultan of Zanzibar. Following colonization, the government took advantage of its authority to distribute other lands all over the country based on nepotism and political patronage in coordination with the president. The truth recently was revealed with the fact-finding committee concerning illegal/unregulated allocation of public land (the Ndung'u Commission). Criminal and gender justice were enforced and the Commission sought to introduce a constitutional amendment to fight corruption related to the allocation of public land. The Ndung'u Commission report lists the land taken and the names of violation perpetrators. The parliament is currently arranging to issue a law based on the report's recommendations.

In his presentation, land surveying, planning and economics consultant Eddie Nsamba-Gayiyi explained the features of the land situation in Uganda, the country with only a 14% urbanization rate. The Ugandan Constitution of 1995 guarantees land rights for individual and group owners, including traditional tenure (Article 237 [3] and [4], and Article 237 [8]). It states the owners are protected against deprivation of their land. The Constitution also provides that citizens continue to possess land (Article 237) as presidential privilege, or any other model of privatization. To wit, the "mailo" tenure system is a type of freehold granted by the colonial government in exchange for political cooperation, as provided under the 1900 Buganda Agreement. In addition to constitutional achievements, the Land Law (1998) establishes land rights and lays the foundation for land policies that are currently developed. Eddie explained also that, similar to other places, theory is subject to practice in Uganda, and the enforcement of constitutional principles is sometimes inconsistent.

In his intervention, David Gomez from FIAN presented the Global Campaign for Agrarian Reform within the framework of the right to food/food security. This campaign follows the development of the FAO Volunteer Guidelines on the Right to Adequate Food: From Negotiation to Implementation (2004). This coincides with important FAO consultations in Rome, as well as regional workshops and an expert meeting in November 2009 to develop the FAO Voluntary Guidelines for Good Governance in Land and Natural Resource Tenure. (FAO has planned a regional consultation on the Voluntary Land Tenure Guidelines for April 2010.) The civil society perspective paper addresses the social function of property, the right to the city and people in postconflict and postnatural disaster conditions, as well as women's rights. It does not, however, offer interventions about land and the ownership of natural resources under occupation and alien domination. This is a dimension that MENA participants can address and help develop.

The high-level working group formed by the UN Secretary General on food security produced the first draft about the comprehensive action framework which will be subject to further consultation in October 2009. There is another opportunity for civil society to participate in the debate about the possibility of obtaining land and food security through the International NGO/CSO Planning Committee for Food Sovereignty, a facilitating network through which social movements and main international organizations cooperate on the issue of food sovereignty.

Despite the inability of the La Via Campesina (LVC) representative to attend the Land Forum inaugural conference to present his experience, a remark was presented about the movement's 2002 initiative to recommend a Charter of Peasant Rights, which later La Via Campesina developed into the Declaration of the Rights of Peasants – Men and Women, adopting it at its international meeting in Maputo, Mozambique, in October 2008. This declaration now serves as the main mechanism through which peasants can clarify and claim their rights, including access to land and secure tenure as a basic livelihood need. La Via Campesina predicts that the declaration will develop into an actual legal instrument at the international level.

Alejandro Florián from FEDEVIVIENDA (Colombia) presented the experience of Colombia, which included an assessment of "The Social Function of Property." That principle has been applied in the famous Law 388, which calls for the transfer of socially produced values to benefit the needy, marginalized and vulnerable. It pointed out that after 11 years of adoption it is still poorly enforced by the government.

This coincided with a 50-year armed conflict that displaced thousands of citizens from their homes and land by all parties to the conflict. He said: "Most homes in Colombia were spontaneously built. The high population density caused people to build on agricultural land."

Anelise Melendez Lundgren presented the situation in Bolivia where the people's struggles against water and gas privatization underwent tremendous development. The Bolivian Constitution recognizes the right to land, particularly for indigenous peoples (article 395, 397 and 400, for example). Legislation recognizes the "social function of property." However, Anelise pointed out a gap between law and practice in Bolivia, particularly with relation to women's rights.

Shivani Bhardwaj (Sathi All for Partnerships) presented the campaign in India and other countries to guarantee gender equality with relation to resources, as well as demands for women's access, control, possession and/or other forms of tenures and the translation of this into policies. Examples include a call for articles in favor of women represented in the Radhapuram experience. Shivani also pointed out the need for basic data which is always lacking in order to assess the problem and solution in many countries.

In her intervention, the Housing and Land Rights Network's South Asia Regional Program Officer Shivani Chaudhry presented a review of land struggles in India, which are predominantly made up of the rural population. In India, unequal ownership of land is the root cause of much poverty, whereas the vulnerable suffer from land confiscation, displacement, privatization and crushing debt.

India's Constitution provides that land "shall vest in the Union and be held for the purposes of the Union" (article 297). However, it provides some compensatory protection to tribals—Adivasis and Dalits—in the light of the schedules accompanying the 1947 Constitution. Nevertheless, Dalits, tribals, women and nomads still suffer from discrimination and expropriation all over India. Some positive legal developments were achieved, such as amending the 2006 Forest Act<sup>4</sup> as a result of the Naxalite Movement, which struggle has become known for its land claims. The new law guarantees land rights for forest inhabitants on disputed forest land and, thus, seeks to end injustice against poor forest dwellers and the landless.

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<sup>4</sup> The law recognizing forest rights for scheduled tribes and other traditional forest dwellers.

Among the advocacy campaigns carried out by the South Asia Regional Programme – Housing and Land Rights Network-India and South Asia is the UN Special Rapporteur's strengthening and adoption of *Basic Principles and Guidelines on Development-based Evictions and Displacement*, as well as protecting and recovering land for many of the Tsunami victims who have lost land.

Saïda Garrach (Association tunisienne de femmes démocratique / Tunisian Association of Democratic Women) added to the ongoing campaign debate by reminding participants of the priority of encouraging governments to lift the state's reservations on CEDaW, particularly with the aim of ensuring equal access for women to land tenure.



Collage of scenes depicting popular claims to a right to land around the world.

### **Closing Session:**

In conclusion, Rabie Wahba reflected on the Forum's objectives and intended tasks:

- Emphasize the human rights framework as a common reference among all peoples without discrimination on the basis of race, color, gender or creed, or other basis;
- Reach a preliminary diagnosis of land issues in the MENA region, which needs to be completed using suitable struggle tools and methodologies in order to solve land-related problems;
- Provide the opportunity for human rights activists working in land, adequate housing and water issues to get acquainted and network in order to strengthen positions on the local and regional levels in the face of unjust policies, laws and practices, particularly in the MENA region.

At the closing session of the Land Forum inaugural conference, male and female participants volunteered to form a Steering Committee to follow-up communications, review the Forum's output and consult on future activities in order to achieve the agreed objectives. The guiding committee includes the following persons:

- |                                  |                               |
|----------------------------------|-------------------------------|
| 1. `Abd ul-Mawla' Isma`il, Egypt | 7. Rabie Wahba, Egypt         |
| 2. `Adil Bakhīt, Sudan           | 8. Raja' al-Kassab, Morocco   |
| 3. Ahmad `Abd ul-Samad, Egypt    | 9. Saïda Garrāch, Tunisia     |
| 4. Bashīr Saqr, Egypt            | 10. Shivāni Bhārdwaj, India   |
| 5. Joseph Schechla, Egypt        | 11. Yahia al-Khawālda, Jordan |
| 6. Nick Volk, Canada             |                               |

### **Output/Outcome**

The project was designed to help produce future output. The Forum in itself offers both tangible and intangible outcomes. The material output will take the form of documentation and analysis that will in the end be edited. Tangible output includes the following:

1. Initial reports about the conditions in participating countries.
2. Strategic plans about topics that were under discussion, while committing to more cooperation and new activities;
3. A declaration on the right to land and water in the MENA region;
4. A report on the conference that includes reports on the condition in a number of countries, Forum activities, strategic plans and the declaration.

### **Indirect Output and Follow-Up Activities:**

The Forum's effect is envisaged to extend beyond its activities as it serves as an organizational framework and represents a first step in a long process of general discussion, policy analysis and reform and indirect activities that will take two forms as follows:

1. Launch a bulletin on land issues in Arabic and English to allow civil society organizations and activists working on land rights to create and/or mobilize public opinion and social movements to support solutions to land-related problems and disputes within a human rights framework and methodology;
2. By explaining the importance of exerting more efforts, the Forum will allow participants and others to launch more specific local activities, including the required campaigns and research on the local and national levels with the aim of sharing and giving a social aspect to the presented values and solutions discussed during the Forum and following discussions.
3. Follow-up activities shall address the following:
  - a. Agricultural land degradation;
  - b. Assessing the role of the state in land management and distribution according to a fair legal system;
  - c. Assessing existing tools and determining to what extent new tools are needed to estimate the condition of victims and groups most vulnerable to violation, as well as the possibility of enabling them;
  - d. Islamic tools and principles that guarantee equitable access to land, while emphasizing marginalized persons and groups and those most vulnerable to violations.



### Permanent Participants and Newcomers/Those Invited to Join the Forum:

The Forum focuses on land rights and the most important issues related to land. Within this context, the Forum seeks to invite representatives of social movements, nongovernment organizations, grassroots community-based organizations and international institutions as important sources for the provision of an open public discussion of land, its human rights dimensions and social function in the Middle East and North Africa region. The participation of these movements and organizations will be important for the Forum's sustainability.

### ANNEX 1: MENA Land Forum Program

May	Program	Speaker	Time
<b>10</b>	<b>Human Rights Dimensions of Land in the MENA Region</b>		
	Registration	HIC–MENA	08:30– 09:30
	Opening remarks by President of HIC	Davinder Lamba	09:30– 10:15
	Introduction: Coordinator of HLRN	Joseph Schechla	
	Objectives of the Forum: MENA Program Officer, HLRN	Rabie Wahba	
	Introduction to the dimensions of the right to land: historical overview, state obligations, suggested themes/issues for the discussion and follow–up. Prospects for achieving equitable access to land in the human rights framework.	Joseph Schechla	10:15– 10:45
<b>Break – 15 minutes</b>			
<b>Presentation of Participant Country Studies</b>			<b>11:00– 18:30</b>
Bahrain	“Challenges and Scarcity of Land in the Kingdom”	Ibrahim Sharif	11:00– 11:20
Palestine	“Right to Land and Labor in Palestine (West Bank)”	`Ali Kadri	11:20– 11:40
	“Land and the Unrecognized Village in the Naqab”	`Atwa Abu Fraih	11:40– 12:00
Questions and Discussion		Open	12:00– 12:30
Tunisia	“The Exclusion of Women from Land and Housing: The Case of Inheritance”	Saïda Garrash	12:30– 12:50
Questions and Discussion		Open	12:50– 13:20
<b>Lunch</b>			
Egypt	“The Phenomena of Landless Farmers”	Abdel Mawla Isma`il	14:40– 15:00

	“The Politics of Agrarian Reform and Violations Arising from its Implementation: The Case of Egyptian Farmers”	Hassanein Kishk	15:00–15:20
Questions and Discussion		Open	15:20–15:50
<b>Break – 20 minutes</b>			
Sudan	“Gender, Conflict and Land Tenure: The Darfur Case”	Mey Eltayeb Ahmed	16:10–16:30
	“Communal Land Rights, Identity and Conflict in Sudan: The Case of Nuba”	Goma’a Kunda Komey	16:30–16:50
	“The Social, Political, Economic and Cultural Boundaries of Land: The Sudan Case”	Adil Bakhīt	16:50–17:10
Questions and Discussion		Open	17:10–17:30
<b>May</b>	<b>Program</b>	<b>Speaker</b>	<b>Time</b>
<b>11</b>	<b>(1) Continuation: Presentation of Papers of Participating Countries (2) Practical Aspects: Networking, Lines of Investigation, Priorities, Strategies and Actions</b>		
Morocco	“Communal Land in Morocco”	Raja’ al-Kassab	09:00–09:20
Western Sahara	“Lands of the Western Sahara between Reality and the Legality”	Mohammed Amroun	09:20–09:50
Questions and Discussion		Open	09:50–10:20
<b>Break – 20 minutes</b>			
Working Groups	Dispossession and Eviction		10:40–13:00
	Discrimination and Demographic Manipulation		
	Gender, Tenure and Inheritance		
	Privatization/gentrification and Public Services		
	Agrarian Reform and Counter Reforms		
<b>Lunch</b>			
Rapporteurs present workshop conclusions	Dispossession and Eviction		14:00–17:00
	Discrimination and Demographic Manipulation		
	Gender, Tenure and Inheritance		
	Privatization/gentrification and Public Services		
	Agrarian Reform and Counter Reforms		
	Meeting of Follow-up Committee		17:00–18:00

May	Program	Speaker	Time
<b>12</b>	<b>Strategies and Practical Experiences</b>		
	A global strategy for developing practical standards	Daniel Gomez, FIAN	10:00–10:20
	Transitional justice in post-conflict situations (Kenya)	Davinder Lamba, Mazingira Institute	10:20–10:40
	The experience of applying the “social function of property” within the legal framework (Colombia)	Alejandro Florián, FEDEVIVIENDA	10:40–11:00

Questions and Discussion	Open	11:00–11:20
Break (20 minutes)		
Declaration of Rights Peasants Women and Men	Indra Lubis, La Via Campesina	11:40–12:00
Land Struggles in India	Shivani Chaudhry, HIC-SARP	12:00–12:20
A women’s agenda for the right to land (South Asia)	Shivani Bhardwaj, Sathi All for Partnerships	12:20–12:40
Questions and Discussion	Open	12:40–13:00
Lunch		
Presentation of draft Forum outcomes and recommendations	Follow-up Committee	14:30–15:00
Follow-up Commitments & Conclusion	Rabie Wahba	15:00–15:30

- Slight changes were made to the order of presenting the papers because the colleagues from Palestine and Bahrain were not able to attend. Land and Housing Rights Network colleagues presented the Bahrain and Palestine papers on their behalf.